ELEVENTH ANNUAL REPORT

OF

THE DEPARTMENT OF JUSTICE

FOR

PRINCE EDWARD ISLAND

1983

TO:

The Honourable J. Aubin Doiron, B.A., D.D.S.,
H.D.H., LL.D.
Lieutenant Governor
Province of Prince Edward Island

May It Please Your Honour:

I have the honour to submit the Eleventh Annual Report of the Department of Justice for this province.

I have the honour to be, Sir,

Your obedient servant,

George R. McMahon

George R. McMahon, Q.C.
Minister of Justice and
Attorney General

TO:

The Honourable George R. McMahon, Q.C.
Minister of Justice and Attorney General
Province of Prince Edward Island

Sir:

I am pleased to submit herewith the Annual Report of the Department of Justice for the year ending 31 December 1983.

Respectfully submitted,

Arthur J. Currie
Deputy Minister of Justice

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INTRODUCTION

The year 1983 was a difficult one for the Department of Justice. Continuing government restraint necessitated the layoff of a number of employees and the termination of funding to the Law Reform Commission. Every effort was made to obtain other employment for those employees who were laid off, and in this regard, the Department owes a debt of gratitude to the Civil Service Commission and, in particular, J. Ronald Lewis, Director of Staffing, for his invaluable assistance during a very difficult period.

The Honourable George R. McMahon, Q.C., Minister of Justice and Attorney General, assumed the additional portfolio of Minister of Community and Cultural Affairs in 1983. On 26-27 May 1983, the Honourable Mr. McMahon chaired the annual meeting of Provincial Attorneys General held at the Rodd Royalty Inn. Attorneys General from the Northwest Territories, Yukon and all provinces except British Columbia were in attendance.

The Minister and officials were involved in discussions with their provincial and federal counterparts on matters such as the proposed Young Offenders Act, Canadian Security Intelligence Service, Criminal Legal Aid, Divorce Act, and reform of the Criminal Law. The Report of "L" Division, R.C.M.P. is being tabled in the Legislative Assembly as a separate document.

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DEPARTMENTAL DIVISIONS

As of 31 December 1983, the Department of Justice comprised the following divisions:

1) Administration
2) Legal Services
3) Crown Attorneys
4) Judicial
5) Insurance
6) Corrections
7) Probation and Family Court Services
8) Corporations
9) Charlottetown and Summerside Registry Offices
10) Legislative Counsel
11) Office of the Public Defender.

In addition, the Liquor Control Commission, the Human Rights Commission and the Public Utilities Commission are responsible directly to the Minister of Justice.

LEGAL SERVICES DIVISION

Legal services are provided to the Premier's Office, Executive Council, Government Departments and some Crown Corporations and Agencies by lawyers employed in the Legal Services Division.

The Division has assigned solicitors to serve specific departments of Government in order to provide a degree of specialization which would not otherwise be possible.

The Legal Services Division represented Government in 1983 on litigation before the various divisions of the Supreme Court of Prince Edward Island as well as in the Supreme Court of Canada. It otherwise represented Government before administrative tribunals and assisted in drafting of new legislation. It provided legal opinions and advice to Government on the full range of matters involving Government.

Personnel:

Director of Legal Services - Ralph C. Thompson
Departmental Solicitor - Charles P. Thompson
Departmental Solicitor - Judith M. Haldemann
Legal Secretary - Deborah L. Gillespie.

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CROWN ATTORNEYS

There are three Crown Attorneys responsible for prosecuting all criminal cases under the Criminal Code of Canada and provincial statutes. The Crown Attorneys' Office is located in the Sir Louis Henry Davies Law Courts Building and in the Court House in Summerside.

Personnel:

Director of Crown Attorneys - Richard Hubley
Crown Attorney - Darrell Coombs
Crown Attorney (Summerside) - David O'Brien
Secretary - Linda Peters

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LEGISLATIVE COUNSEL

The 1983 Session of the Legislative Assembly was an extremely busy and productive one for the staff of the Legislative Division. Over 70 bills were prepared of which 46 public bills and three private bills were enacted.

For the first time in many years, a number of private Member's bills were prepared. The most significant of the legislative initiatives were the Compensation Review Act, the Corrections Act, the Civil Service Act and the Municipalities Act.

The procedures for the development of the legislative program have been revised in an effort to avoid the devotion of energy to measures that will not be introduced.

The anticipated elimination of delays in the preparation of annual updates to the statutes and regulations has not yet been realized because of technical problems in the transfer of the data base. However, with the recent acquisition of new typesetting equipment in the office of the Queen's Printer, it is expected that the outstanding problems will shortly be resolved.

The Legislative Counsel represented the Province at the annual meeting of the Uniform Law Conference of Canada held in Quebec City.

He also serves on the Board of the Canadian Law Information Council and attended various meetings in that capacity.

Personnel:

Legislative Counsel - M. Raymond Moore
Secretary - Marina G. Bears
Secretary - Leona F. Nicholson.

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SUPERINTENDENT OF INSURANCE

Insurance:

	1983	1982
Companies registered and licensed	239	229
Applicants examined	126	103
Insurance agents' licenses issued	270	261
Insurance adjusters' licenses issued	32	30

Comments:

At the 1983 session of the Legislature, the Insurance Act was amended to substantially increase the accident benefits on the automobile policy and to become mandatory January 1, 1984. This change was considered overdue and is being well received by the public. The additional cost to the buyer is not significant.

Insurance premiums held quite stable in 1983 and no substantial change is anticipated this year.

The Facility Association, which is designed to cover the high automobile risks, continues to work well and no major problems have been encountered.

The Third Party Compulsory Liability on automobile policies is still at a minimum of $100,000, and consideration must be given soon to increasing this amount although many motorists carry in excess of this amount.

The detailed report of the Superintendent for 1982 is provided separately and licensing statistics for 1983 are set out above. It is interesting to note the constant progress being made by the Prince Edward Island Mutual Fire Insurance Company, and the Company is now prepared to issue a dividend because of the 1983 results. The Company is well managed.

The practice of examining applicants for agents' licenses continues for all classes, and we believe this has greatly improved the calibre of agents and, at the same time, reduced the turnover which was so prevalent in the past.

All persons adjusting insurance claims in the Province must hold a valid license.

The Superintendent attends two national meetings of the Association along with some committee meetings on a regional level. These meetings are important to the welfare of the industry and the people involved therein.

Premium and Fire Prevention Tax:

	1983	1982
Premium tax collected	$ 918,126.83	$ 801,839.64
Fire Prevention tax collected	79,453.08	68,997.79
Totals	$ 997,579.91	$ 870,837.43

Comments:

Premium tax at the rate of 2% is collected on all insurance premiums, except fraternal and marine, written in the Province. The Fire Prevention tax, which is assessed at 3/4 of 1% of the total fire premium, is basically designed to defray expenses of the Provincial Fire Marshal's Office. The increase in premium tax is due to an increase in premium income and less refunds relative to the previous year.

Official Trustee:

The services of the Official Trustee continue in demand, and there were ninety-eight active accounts during the year. Funds held in trust fluctuate and usually run about $350,000. Excess funds are invested in Deposit Certificates with the Minister of Finance. The accounts are reviewed annually by the Auditor General and his report is available elsewhere.

We continue to enjoy a close working relationship with the Division of Aging in the Department of Health and Social Services, and as a result, we are able to have better control of the assets of patients or guests who are considered incompetent. The role of the Official Trustee is increasing quite substantially as all persons admitted to government homes who are considered incompetent are declared before admission. He is also called upon to represent estates of deceased persons in certain actions and, of course, continues to act as Administrator of Estates when on one else is available or qualified. The Official Trustee is also appointed guardian in some situations, especially in the case where emergency surgery is considered necessary.

The Advisory Committee is consulted from time to time as the need arises.

Real Estate:

The Superintendent of Insurance also administers the Real Estate Trading Act. Sales during 1982 remained constant totalling about 32 million dollars. A substantial increase in sales is indicated

in 1983. There have been a number of new constructions not only in the residential category but also in residential rental accommodations as well.

One hundred and sixty-five agents and salespersons were licensed in 1983 which is an increase of ten percent over the previous year. New applicants must be bona fide residents and are required to pass a written examination which is written in this office by appointment. All salespersons are bonded.

In 1983, an agent found himself in financial difficulties, and as a result, the surety bond provided the necessary funds to cover debts owing on real estate transactions. This was the first such event in this province and no loss was endured by clients or purchasers.

A second agent is under investigation, but it seems there are sufficient funds available to meet any losses that may occur.

Personnel:

Superintendent of Insurance - Milton B. Fitzpatrick
Secretary - Marlene Phelan

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CORPORATIONS DIVISION

Acts Administered:

The Corporations Division of the Department of Justice is responsible for the following Acts:

Companies Act
Condominium Act
Co-operative Associations Act
Corporation Securities Registration Act
Credit Union Act
Licensing Act
Limited Partnerships Act
Partnership Act
Securities Act
Winding Up Act

Statistics:

Following are statistics which pertain to the various statutes administered by the Corporations Division:

Companies Act

	1983	1982
- Incorporations during the year		
Business corporations	237	175
Not-for-profit corporations	35	16
Total new corporations	272	191
- Surrender of charters by companies under Section 73 of the Companies Act	7	12
- Supplementary letters patent granted to companies		
For a change of corporate objects	9	3
For a change of capital stock	42	21
For a change of name	26	24
	77	48
- Amalgamations during year	5	4
- By-laws filed changing number of directors	2	1
- Reservation of business names for intended corporations or partnerships	259	273

	1983	1982
- Certificates of good standing under the Companies Act and Licensing Act	170	116
- Certified true copies of letters patent and supplementary letters patent	53	43
- Annual returns filed under Section 80 of the Companies Act	1,074	997

Companies Act Statistics:

The number of incorporations during 1983 was up 42% from the previous year. Most of the other filings under the Act were also up significantly from 1982, which was a slack year likely because of the recession.

Co-operative Associations Act:

There are some fifty active co-operatives in the Province and those are reported on separately in the Annual Report of the Inspector of Co-operatives, which is also tabled in the Legislature.

During 1983 there were 5 new co-operatives incorporated whereas 12 were incorporated in 1982.

Corporations Division staff continue to work closely with co-operatives, especially through the Co-operative Union of Prince Edward Island, which acts as the voice of the co-operative movement in Prince Edward Island.

Corporation Securities Registration Act:

Registrations under this Act totalled 265 in 1983 and 270 in 1982. In 1983 there were 72 certificates of status issued and in 1982 there were 81 issued.

Credit Union Act:

The Credit Union Act is administered by the P.E.I. Credit Union League Limited, which also carries out inspections of credit unions. A separate report on credit unions, as compiled by the League, is also presented in the Legislature.

The Credit Union League staff communicates regularly with the Department to keep it informed about the credit union movement.

Licensing Act:

All out-of-province businesses carrying on business in this province are required to register under the Licensing Act regardless of whether they have an office or employees in the Province. Such business organizations include banks, trust companies, loan companies, finance companies, chain stores, oil and gas companies, construction companies, manufacturers and generally all corporations not incorporated under the laws of this province and having their head office or chief place of business located outside the Province.

	1983	1982
Corporations and businesses registered under this Act:	1,925	1,970

Partnership Act:

The business names of sole proprietorships and partnerships are registered under the Partnership Act as well as the trade names of corporations.

	1983	1982
Declarations of proprietorships, partnerships and trade names filed during the year	498	430

Securities Act:

The Securities Act regulates the sales of securities to the public and provides for the licensing of brokers and salesmen.

The following registrations and filings were made under the Act:

	1983	1982
Licenses issued		
- resident salesmen	32	29
- non-resident salesmen	25	13
- brokers	29	27
Prospectuses registered	310	200
Prospectus amendments registered	30	30
Certificates of exemption from full prospectus requirements	80	78

Revenue:

The Corporations Division collects fees under the various statutes it administers with revenue expected for the fiscal year ending March 31, 1984 of $390,000. Revenue for the fiscal year ending March 31, 1985 will be about the same unless fee schedules are revised.

Other:

Corporations Division staff spend a significant amount of time responding to inquiries from the public as the information filed in the Division is public information. Requests for information about corporations, co-operatives, partnerships, or other matters come from the legal and accounting professions, other government departments, police authorities, businessmen, bankers and other financial institutions and the public at large.

Inter-Government Conferences:

The Director of Corporations or the Corporations Officer attended the 1983 Annual Conferences of the Canadian Securities Administrators, the Canadian Trust Company Administrators, the Administrators of Co-operative and Credit Union Legislation and the Canadian Corporation Law Administrators.

These meetings are invaluable as there is a wealth of knowledge to be gained from administrators in the larger provinces where the various administrators specialize in the administration of securities law, trust company law, etc. In the smaller provinces such specialization is not practical for financial reasons.

These administrators' conferences are useful for exchanging information and developing uniform policies to ease the burden on business organizations which often operate in several provinces in Canada.

Personnel:

Director - Edison Shea
Corporations Officer - Merrill Wigginton
Administrative Assistant - Sheila MacNevin
Secretary - Kay Constable
Secretary - Norma MacMillan

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CORRECTIONS DIVISION

Staffing:

Kings County Jail: located in Georgetown, operates with a Superintendent (Correctional Officer III) and two Correctional Officers I.

Prince County Jail: located in Summerside, operates with a Superintendent (Correctional Officer III) and five Correctional Officers II, supported when required by relief employees.

Sleepy Hollow Correctional Centre: located near Charlottetown, has an established strength of 36 Correctional Officers (I and II), five Shift Supervisors (Correctional Officers III), three Cooks and a Food Services/Manager Instructor, one Stores Supervisor, two full-time and one part-time Clerical staff, one Nurse, one Programs Officer, one part-time Woodwork/Hobbycraft Instructor, one Deputy Superintendent (Correctional Officer IV) and a Superintendent. Correctional Officers are supported when required by relief employees. The Classification Officer position was abolished during the year due to budgetary restraints.

The Division is administered by a Director and part-time Secretary.

During the year, one Superintendent retired due to age, two Correctional Officers II retired to pension, one Correctional Officer II transferred to another government department and one Correctional Officer II resigned. That represents a staff turnover rate of 8%, compared to 1.6% in 1982, 5% in 1981 and 13.5% in 1980.

Training:

In addition to continuing on-the-job training and participation in seminars and workshops provided by the Civil Service Commission Staff Development and Training Branch, 16 Correctional Officers from Sleepy Hollow Correctional Centre each received four days intensive training in fire safety sponsored by the Police Related Services of Holland College.

Services:

Food: The caterer of meals to Kings and Prince County Jails are John P. MacDonald and Ann's Place, respectively. The price paid per meal to each was $3.75 plus a delivery fee, if the meals delivered numbered five or less. Sleepy Hollow Correctional Centre meals are prepared in its own kitchen, where six to eight prisoners are employed at any given time.

Medical: There is no regular physician at Kings County Jail due to very limited requirements. Any available area doctor is called upon if required. Dr. Sheldon Cameron continues as physician at Prince County Jail on a fee-for-service basis. Dr. Leo H. Killorn and Nursing Services Officer, Mrs. Helen Flynn, provide medical services to Sleepy Hollow Correctional Centre.

Religious: There are no appointed chaplains at Kings or Prince County Jails. Clergy of any denomination are permitted to visit at any time. The chaplaincy service at Sleepy Hollow Correctional Centre, which is provided through the co-operation of the association of churches in Charlottetown, is co-ordinated by Sister Teresa Currie, who also spends much time as a counsellor at the Centre. Present chaplains represent the Protestant and Roman Catholic faiths. Many other religious groups of various denominations are providing a valuable service by donating their time and resources. Many special events are held each year for prisoners through the efforts of the chaplaincy service.

Programs:

Education: A program of special education continues at Sleepy Hollow Correctional Centre. Through the co-operation of Holland College and its Leadership Institute, interested prisoners can receive basic educational instruction, leading to a grade 12 (GED) status. Instruction is provided by a full-time teacher from Charlottetown Rural High School, who also works part-time in continuing education for Holland College at night. A second teacher, from Mount St. Mary's, teaches five mornings a week on a voluntary basis.

First Aid: St. John Ambulance personnel continued first aid training for Sleepy Hollow prisoners on a voluntary basis. Courses were completed by prisoners as follows:

COURSE	DURATION	NO. of PRISONERS	SUCCESSFUL
Life-saver	2½ hrs.	14	14
Emergency	8 "	11	10
Standard	16 "	6	6

Three prisoners, who completed their first aid training in 1982, accompanied regular St. John Ambulance members on community duty during the year.

Garden: Prisoners worked the Sleepy Hollow garden under staff supervision and planning. Vegetables estimated to value close to $2,000 were harvested. In addition to supplying a large quantity for use when fresh, many were stored. Generous quantities were also supplied in season to a number of senior citizens homes throughout the Province.

Sports: Prisoners engage in a variety of sports at the Correctional Centre. Softball and running are popular in the summer, weekly use is made of the Island Gymnastic Academy facilities at Holland College Royalty Centre year round. The U.P.E.I. hockey rink is used occasionally in winter. Weight lifting is popular year round. A billiard table was purchased by the inmates themselves from profits accumulated through the Centre's canteen. All prisoners, unless medically exempted, are required to indulge in some form of daily exercise, if nothing more than walking, and out-of-doors, weather permitting.

Woodworking/Hobbycraft: These programs operate with a part-time instructor. They are extremely popular with prisoners, both from an educational and recreational standpoint. It is hoped that this program can be expanded to full-time in the future.

Work: In addition to the garden, the prisoners at Sleepy Hollow are engaged in work programs in the kitchen, laundry, general cleaning of the building interior, grounds maintenance, landscaping and snow removal. Their labour was again used to benefit the community in the Charlottetown area. They worked at the Pioneer Cemetery on University Avenue, restoring and maintaining the property. They worked at the St. Jean Elementary School, preparing the yard equipment and grounds for the fall opening. They painted the community hall at Mermaid. They provided janitorial services to the Island Gymnastic Academy at Holland College Royalty Centre in exchange for the use of the gym on a weekly basis. Further labour was contributed to assist the handicapped and disabled. Approximately 1,000 hours of prisoner labour was expended on community projects.

Volunteers: In addition to those volunteers referred to under educational, first aid and religious programs and services, excellent support was provided by the Alcohol and Drug Problems Institute, Alcoholics Anonymous, the Literacy Council, the Salvation Army and numerous other groups and individuals.

Acknowledgement:

To those referred to within this report and the many other organizations, associations, groups, individuals and government departments and divisions who were also involved in various ways in the operation of the Corrections Division and its programs, the Department is extremely grateful.

General:

There were no prisoner deaths in the Province during the year. Staff dealt with seven attempted suicides, compared to five in 1982 and eight in 1981.

There was one escape from within a jail during the year, with three prisoners involved. There were four runaways from outdoor/ community activities, compared to six in 1982 and 12 in 1981.

A completely new formula for establishing the per diem cost of holding a prisoner was agreed to by the provincial and federal government during the year. For billing purposes, the rate is now established in advance for a year commencing September 1 until the following August 31. It is arrived at by adding to our latest fiscal year operating costs the annual rate of inflation as of June 30 following the fiscal year end, and dividing this by the number of prisoner days in the fiscal year used. Our per diem rate for billing until August 31, 1984 is $82.95.

Statistics:

The following is a statistical table of the number of prisoner admissions to each jail and the Correctional Centre during the year, showing their status upon admission.

TABLE "A"

	LOCK-UPS	REMAND	SENTENCED	TOTAL
SLEEPY HOLLOW CC				
Male	1,037	83	544	1,664
Female	52	5	22	79
Juvenile	1 male 1 female	0	0	2
TOTAL	1,091	88	566	1,745
PRINCE COUNTY JAIL				
Male	841	20	188	1,049
Female	56	1	2	59
Juvenile	4 male 4 female	0	0	8
TOTAL	905	21	190	1,116
KINGS COUNTY JAIL				
Male	290	1	23	314
Female	11	0	0	11
Juvenile	0	0	0	0
TOTAL	301	1	23	325
TOTAL 2 JAILS + SLEEPY HOLLOW CC				
Male	2,168	104	755	3,027
Female	119	6	24	149
Juvenile	5 male 5 female	0	0	10
TOTAL	2,297	110	779	3,186

Sentenced prisoners to all institutions in 1983 totalled 779 compared to 790 in 1982, 878 in 1981 and 876 in 1980.

Female prisoner admissions to all institutions in 1983 totalled 154 compared to 188 in 1982, 137 in 1981 and 111 in 1980. The number of days served totalled 703 compared to 960 in 1982, 663 in 1981 and 485 in 1980.

Of the 110 remand admissions during the year, 47 were eventually changed to sentenced status without being released. These 47 do not appear in the sentenced column of table "A", as their status upon admission was remand.

The number of prisoners held before transfer to a federal penitentiary was 34 compared to 21 in 1982, 12 in 1981 and 6 in 1980.

Parole for provincial prisoners is under the jurisdiction of the National Parole Board (federal) from their regional office in Moncton, New Brunswick.

The following is a statistical table of parole relating to our sentenced prisoners during 1983, as compared to 1982.

TABLE "B"

1983

Parole Granted	24
Parole Denied	13
Day Parole Granted	30
Day Parole Denied	6
Day Parole Extended	2
Parole Suspension(cancelled)	7
Parole Revoked	7

1982

Parole Granted	33
Parole Denied	12
Day Parole Granted	20
Day Parole Denied	3
Day Parole Extended	4
Parole Suspension(cancelled)	2
Parole Revoked	7

The following is a statistical table of the number of days served by prisoners in 1983 in each jail and the Correctional Centre under the categories of: (1) lock-up (police arrestees held prior to court appearance); and (2) remand/sentenced, as they compare to 1982, 1981 and 1980.

TABLE "C"

SENTENCED AND REMAND DAYS

JAIL	1983	1982	1981	1980
Prince County	1470	2158	3211	387
Kings County	66	142	136	151
Sleepy Hollow C.C.	22423	22960	23688	18261
TOTAL	23959	25260	27035	18799

LOCK-UP DAYS

JAIL	1983	1982	1981	1980
Princy County	937	997	1048	1036
Kings County	313	268	490	408
Sleepy Hollow C.C.	1130	1089	1399	989
TOTAL	2380	2354	2937	2433

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PROBATION AND FAMILY COURT SERVICES DIVISION

General:

During 1983, due to fiscal restraint the number of Probation and Family Court Services personnel was reduced by one. Two Family Counsellors and six Probation Officers carry out the programs of the Division under the direction of the Director of Probation and Family Court Services. One of the Probation Officers working out of the Summerside office also performs functions of a Family Counsellor.

Probation Services Workload:

The following is a statistical indication of the activities performed by Probation Officers in carrying out their primary responsibilities in the areas of Presentence Investigation Reports, Probation Supervision, the Temporary Absence Program, and community related activities. However, it does not reflect the quality or actual nature of responsibilities carried out.

Presentence Reports:

During 1983, Probation Officers conducted assessments and investigations for and submitted 111 presentence reports in response to requests from both Provincial and Supreme Courts. This compared with 82 reports in 1982 and 109 in 1981.

Probation Supervision:

On January 1, 1983, there were 473 individual adults (16 years of age and over) under the supervision of Probation Officers in the Province with 480 new cases added during the year. This compares with 485 new cases added during 1982 and 527 cases in 1981.

On December 31, 1983, 442 individuals remained under active supervision of Probation Officers. This reflects a decrease of 25 individuals over December 31, 1982.

Community Service Orders:

Provincial and, on occasion, Supreme Court Judges continued to use as an integral part of their sentencing practices the concept of community service work which has expanded since its initiation in Prince Edward Island in 1977.

Essentially, the Court requires an offender, whether in lieu of or in addition to some penalty, to perform voluntarily some form of community service or work as a condition of a probation order. Probation Officers arrange appropriate service, taking into consideration any strengths or talents an offender may have and supervise the activity as well as assessing its quality. A prime consideration in the community service concept is to place responsibility on the offender to restore, at least in part, the harm done whether for the victim or the community at large. Wherever possible, attempts are made to have offenders perform community service work for the victim(s) of their criminal behavior.

In the past year, the Courts have continued to make it possible, in appropriate situations, to have community service work converted to a monetary payment. This payment is based on the provincial minimum wage. Such payments go toward the purchase of supplies and goods that are used by other offenders in carrying out their community service. On occasion, contributions are made to charitable organizations or needy causes.

During the past year, many agencies and organizations across the Island were recipients of community service. Activities performed included service for senior citizens, handicapped individuals, as well as community and youth groups. Agencies and organizations that could benefit from this form of service are encouraged to contact Probation Services to explore their interests.

Restitution:

Although restitution has been a part of sentencing in this province for more than 10 years, it has received increased emphasis in recent years, arising in part out of increased concern for victims of crime.

Essentially, the offender is required, as a condition of probation, to pay to the Clerk of the Court an established amount. Probation Officers oversee and supervise payment acting in an enforcement capacity wherever appropriate.

In summary, approximately 75% of all individuals coming under probation supervision, as ordered by Provincial and Supreme Courts, were required to pay restitution and/or perform community service.

Temporary Absence Program:

Staff of Probation Services assessed and investigated 78 applications from sentenced inmates of the Sleepy Hollow Correctional

Centre under the regular temporary absence program. Of these, the Department of Justice authorized 42 temporary absences involving the selected release without escort of 35 individuals. This compares with 67 released involving 54 individuals in 1982. Of the 42 releases, 4 were for purposes of employment or paid training; 4 for educational related purposes; 26 for purposes of treatment (12 alcohol, 14 medical); 7 for rehabilitative humanitarian reasons; and 1 for other purposes.

No violations of Temporary Absence privileges were recorded.

The above releases do not include releases where inmates were escorted by Correctional Officers, Probation Officers, or under the general supervision of community supervisors in a volunteer capacity such as with the St. John Ambulance First Aid Program, Alcoholic Anonymous Programs, etc. As well, these releases do not include inmates released under the Christmas Temporary Absence Program outlined below.

Christmas Temporary Absence:

The Christmas Temporary Absence Program established in 1971, where sentenced inmates in provincial institutions are provided the opportunity of spending some time with family and/or friends, was continued in 1983.

Of the 64 inmates that would have been serving a sentence in Sleepy Hollow Correctional Centre or Prince County Jail over Christmas, 53 were provided the opportunity of being released for varying periods of time (7 to 63 hours). No inmates were held in Prince County Jail and Kings County Jail on Christmas Day. There were three inmates being held at Sleepy Hollow Correctional Centre for other reasons. One inmate did not return on time as required. Three others violated conditions of their release by consuming alcohol or other intoxicants.

Family Court Services:

Since the proclamation into law of the Family Law Reform Act in December, 1978, the demands on Family Counsellors increased both in terms of number and nature of assignments.

Family Counsellors continued to provide support services for the Family Division of the Prince Edward Island Supreme Court. These services are primarily counselling, investigative, and supervisory in nature.

More specifically, these responsibilities include:

(a) Performing intake procedures at the Family Court level, assessing and screening cases, and providing an information and counselling service to individuals preparing for the Court process;

(b) Conducting investigations in custody, support and related matters for the preparation of reports for Family Court;

(c) Supervising and enforcing orders made by the Family Court;

(d) Marital counselling in crisis situations that may or may not require judicial attention;

(e) Performing an educational public relations role in interpreting the functions of the Family Court to individuals and community organizations.

Public Relations and Community Development:

As in previous years, Probation Officers and Family Counsellors continued to be involved in a variety of activities which provided an opportunity to interpret the functions of Probation and Family Court Services as well as fostering the growth and support of community agencies.

New and Continuing Initiatives:

Justice Resource Service: An agreement was signed in 1982 with the Federal Ministry of the Solicitor General through its Consultation Centre for a three-year information and consultation service called the Justice Resource Service. This province-wide service, operating out of the Department of Justice under the Probation and Family Court Services Division, is staffed by a full-time co-ordinator. This service, cost-shared by the federal and provincial governments, focuses on alternatives, crime prevention, community involvement and public legal education -- particularly related to the areas of domestic violence, vandalism, and victims of crime. The co-ordinator of this service is Ms Julie Dodd who can be reached at the Department of Justice in Charlottetown.

Victims of Crime: The Department of Justice, through the Probation and Family Court Services Division, entered into an agreement with the Federal Ministry of the Solicitor General's Research Division to carry out research within the various components of the criminal justice process and related agencies on the needs of victims of crime and how victims are currently served with a view to reporting on what, if any, changes are needed to improve services to victims of crime in the Province.

While planning and preliminary studies were carried out in late 1982, the actual research was conducted in early 1983. A study report should be available in early 1984. The interest, assistance, and co-operation of many agencies and individuals has been very encouraging. This activity was primarily funded by the Federal Ministry.

Sentencing Study: Another study carried out in 1983 with the co-operation and assistance, financial and otherwise, of the Federal Department of Justice involved a review of the Judicial process with emphasis on sentencing, particularly the use of and experiences related to restitution and community services. This is particularly timely in light of the comprehensive Criminal Code review now under way. It should also be helpful in having a clearer picture of the criminal process and an improved profile of the criminal offender in the Province. A study report is to be available in early 1984.

Justice Statistics and Information: The Department of Justice, through this Division, has been very involved with the Canadian Centre for Justice Statistics. The assistance, financial and otherwise, of its Technical Assistance Directorate, in examining the present methods of compiling, storing, and collecting justice-related statistics and information with a view to considering an Integrated Justice Information System for the Province, has been very helpful. The Department of Justice received a preliminary report of the Province's needs and requirements in this regard in 1983. Further demonstration and analysis work is being considered for early 1984.

Community Service Orders (Project): With the assistance and co-operation of the John Howard Society of Prince Edward Island, this Division has been successful in receiving financial support from the Canada Employment and Immigration Commission through its Canada Works Program to hire four employees for from 9 - 12 months beginning in January, 1984 to assist in promoting and effectively carrying out community service orders imposed by the courts on individuals as a condition of their probation orders.

Employees will be working under the day-to-day supervision of Probation Officers. This is to be a province-wide activity with employees known as "Community Service Workers" operating from offices in Montague/Souris, Charlottetown, Summerside and West Prince.

Public Legal Education and Information: Probation and Family Court Services continued to play a lead role in developing and distributing material as well as encouraging the involvement of interested and concerned groups and individuals in approaches to make the law and legal process more easily understood and accessible to individuals,

in particular, and the public generally. These activities included information displays across the Province at exhibitions and fairs, developing material for community schools, serving as resource people at law-related events, as well as developing leaflets on selected topics for general distribution.

Efforts directed at establishing some form of basis co-ordinated approach to Public Legal Education and Justice Information in this province will be actively pursued in 1984.

Young Offenders Act: The Director of the Division has been assigned general responsibility for the implementation and administration of the Young Offenders Act passed in Parliament in July, 1982. Proclamation of this Act, which is replacement legislation for the Juvenile Delinquents Act, is tentatively set for April, 1984.

The Act will require significant changes in how young offenders are dealt with in this province. As well, by April, 1985, the Act will raise the upper age of young or juvenile offenders to under 18 instead of the current age of under 16. While the Act will have obvious financial, staff, and program demands, it can be seen as an opportunity to develop meaningful programs for youthful offenders.

The Future: Looking to 1984, this division will continue the initiatives referred to above with a view to refining and improving services to offenders, victims of crime, government and community agencies and groups, as well as the public generally.

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CHARLOTTETOWN & SUMMERSIDE REGISTRY OFFICES

The division's responsibilities are:

- to administer the Kings, Queens, and Prince County Land Registry Offices;
- to maintain a current computer record of all registered land owners on Prince Edward Island, both numerically and alphabetically;
- to maintain and keep current a series of property ownership maps for Prince Edward Island;
- to organize, maintain, and boundary survey an inventory of provincially owned crown property;
- to operate a map library which sells whiteprint copies of property maps, national topographic series maps, hydrographic charts, and provide customer custom whiteprinting services;
- to operate a co-ordinate survey monumentation system and provide advice and/or surveys for government departments;
- to provide assistance and response to all land-related inquiries coming from government agencies, private enterprises, and the public.

For Year Ending 31 March	1983	1982
Documents Registered	12,667	9,537
Survey Plans Filed	163	147

Personnel:

Registrar of Deeds (Charlottetown) - M. Frances MacDonald
Clerk - Mary P. Mullin
Clerk - Ruby T. Watts
Registrar of Deeds (Summerside) - M. Eileen Gaudet
Clerk (Summerside) - Shirley Rogerson

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JUDICIAL DIVISION

Function and Organization:

This division is responsible for the design and maintenance of an administrative structure that meets the needs of all courts throughout Prince Edward Island. Its primary and continuing objective is to make appropriate and effective use of personnel and other resources to develop and manage a comprehensive court services program throughout the Province.

The overall strength of personnel in the division has been reduced to 28 by the Department's decision not to fill the position left vacant by the retirement of a court stenographer in June, 1983. The distribution of personnel is as follows:

	Prothonotary	Legal Services Officer	Judicial Clerk 2	Judicial Clerk 3	Court Stenographer	SY4	SY2	CL2	Sheriff	Clerk & J.P. (Part-time)	TOTAL
Charlottetown.....	1	5	-	3	6	1	1	-	1	-	18
Summerside	-	1	-	1	2	-	-	1	1	-	6
Alberton	-	-	-	-	-	-	-	-	-	1	1
Georgetown	-	-	-	1	-	-	-	-	1	-	2
Souris	-	-	-	-	-	-	-	-	-	1	1
	1	6	0	5	8	1	1	1	3	2	28

The personnel provide the courts with support services, some of which are as follows:

1. GENERAL ADMINISTRATION
   - budget and expenditure control
   - personnel transactions
   - equipment supply, purchases, etc.

2. JUDICIAL ADMINISTRATION
   - taxation of costs on solicitor-client and party-party basis
   - bankruptcy and discovery
   - supervision over court officers
   - Justices of the Peace.

3. COURT RECORDS
   - registration and maintenance.

4. DOCKETING AT SUPREME COURT LEVEL.

5. STENOGRAPHIC AND SECRETARIAL AND CLERK OF THE COURT.

6. SHERIFF SERVICES
   - jury impanellment
   - process servers
   - execution of court orders.

7. FINANCIAL RECORD MANAGEMENT
   - approximately $3 million annually at both court levels.

SUPREME COURT:

ENTRIES FISCAL YEAR END MARCH 31

Fiscal Year	Cases	Liens	Chattel Mortgages	Book Debts	Judgments	Divorce Petitions
1974	1,297	4,942	8,074	567	579	112
1975	1,603	4,141	7,771	586	702	130
1976	1,568	4,370	8,686	1,147	811	164
1977	1,781	4,952	10,141	853	884	173
1978	1,715	5,954	13,623	1,009	966	166
1979	2,092	5,510	14,432	1,160	1,034	220
1980	1,971	5,166	13,605	1,391	955	194
1981	2,446	5,660	12,572	1,371	1,182	210
1982	2,538	6,047	10,212	1,360	1,193	233
1983	2,545	7,095	13,614	1,464	1,380	234

SUPREME COURT - ESTATES DIVISION:

Approximately 481 petitions were filed during the year 1983, resulting in 446 court grants on behalf of Estates, with a total probate value of $17,005,127.02.

Thirty-five court hearings were held in Charlottetown and Summerside.

Estates Division fees collected and deposited to the credit of the Minister of Finance for the Province totalled $55,265.55

PROVINCIAL COURT FINES COLLECTED:

	1981	1982	1983
Charlottetown.....	$473,923.00	$458,465.87	$527,583.25
Summerside.....	258,285.00	278,645.23	278,470.24
Georgetown.....	76,333.00	77,358.31	100,638.58
Souris.....	---	---	48,427.49
Alberton.....	---	---	102,993.47

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OFFICE OF THE PUBLIC DEFENDER

This was the tenth year of the Public Defender Program in Prince Edward Island. The service is cost-shared under a federal-provincial agreement which applies in all provinces.

Objective:

The objective of the Program is to ensure equality before the criminal law by making lawyers available to individuals who could not otherwise retain counsel because of financial reasons.

Eligibility:

Eligibility for legal assistance is determined by a flexible test which takes into account the applicant's financial ability to afford the probable costs of representation by private counsel.

The application process is kept as simple as possible in order to serve those who may be the most in need of representation but the least able to cope with bureaucracy. The policy objective is to complement the service provided through the private Bar without financial competition.

To obtain service, the applicant must contact a staff lawyer in the same manner as he would a private practitioner. In some cases, the applicant is referred by the court. Contrary to a common misconception, the courts do not assign cases to Legal Aid staff lawyers. Although Legal Aid has become an integral part of the justice system, the Program is run independently from the courts.

Choice of Counsel:

Legal services are provided by three staff lawyers. Private counsel is retained in a small percentage of cases where a scheduling problem or a conflict prevents a staff lawyer from acting. It is only in murder cases that the applicant is given the choice of being represented by private counsel.

Offices:

Full-time offices are maintained at the Law Courts Buildings in both Charlottetown and Summerside. The Summerside Office was increased to a full-time basis in May of 1982. Prior to that, staff lawyers travelled as required from the Charlottetown office to all court centres in the Province.

Cost-Sharing Formula:

The federal-provincial cost-sharing agreement is currently under negotiation. Until a new agreement is reached, the present agreement will continue, but the federal contribution will not exceed the 1981-82 level -- regardless of cost increases in the meantime. There have been several adjustments to the cost-sharing formula since it was initiated in 1973. Prince Edward Island has consistently recovered approximately 90% of Criminal Legal Aid expenditures from the Federal Government each year since the agreement began. The high recovery ratio reflects the low per capita cost of Legal Aid in this province. Some provinces with significantly higher costs per capita recovered less than 50% of expenditures under the same formula. On a national basis, Canada's stated objective is to share approximately 50% of Criminal Legal Aid expenditures.

Cases Completed:

The following cases were completed during the year. The definition of a case varies from province to province. In this province each separate charge is counted as a separate case. An applicant may have several charges arising from one incident. Likewise, charges from several incidents are often brought at one time. In either situation, the number of cases is equal to the number of charges. An appeal is also recorded as a separate case. Applications involving cases carried over from a previous year are not recorded in this report until the year in which the file is completed. In any instance where the same applicant requests assistance more than once within a year, an additional application is recorded. During the past year, thirty-five individuals requested assistance on more than one occasion.

	NUMBER COMPLETED		
	(1980-81)	(1981-82)	1982-83
Unlawful homicide (including motor vehicle deaths)	1	7	2
Matters under the Juvenile Delinquents Act	26	6	22
Robbery	3	16	6
Theft, break & enter, possession of stolen goods	375	416	439

	NUMBER COMPLETED		
	(1980-81)	(1982-83)	1982-83
Fraud & false pretences	112	175	82
Drunk & impaired driving	106	99	102
Other motor vehicle offences	33	35	27
Narcotics	62	58	22
Dangerous & prohibited weapons	10	22	22
Escape & unlawfully at large	13	27	6
Cause disturbance	30	29	36
Assaults (including sexual assaults)	26	57	61
Resisting arrest	8	7	12
Arson	1	2	6
Property damage	49	65	83
Breach of probation	15	21	14
Others	11	33	29

Summary of Legal Aid:

	(1980-81)	(1981-82)	1982-83
Number of files (separate applications) completed and closed during the year	502	608	510
Number of cases (separate charges or appeals) completed in the above files	881	1,075	971

NUMBER COMPLETED

	(1980-81)	(1981-82)	1982-83
Cases where private counsel participated at some stage	29	25	9
Percentage of cases handled in whole or in part by private counsel	3.4%	2.3%	0.9%
Number of private counsel who participated	7	19	7

	(1980-81)	(1981-82)	1982-83
Cost of services rendered by private counsel	$3,025.55	$8,323.90	$10,908.80

Number of Applications By Region:

	(1980-81)	(1981-82)	1982-83
Charlottetown	277	376	281
Summerside	173	144	176
Alberton	26	32	24
Georgetown	17	46	20
Souris	9	10	9

Age of Recipients:

	(1980-81)	(1981-82)	1982-83
16 - 19 years	42%	35%	44%
20 - 25 years	29%	31%	25%
over 25 years	29%	34%	31%

Expenditures:

(1980-81)	(1981-82)	1982-83
$100,639.00	$121,388.28	$132,695.00

FAMILY LEGAL AID

This is the third annual report of the Family Legal Aid Program in Prince Edward Island. The service was initiated through federal start-up money in 1980 and continued by the Province since then in conjunction with the Criminal Legal Aid Program.

Program Structure:

The Family Legal Aid Program is an extension of the Public Defender Program which has provided cost-shared legal aid in criminal matters in this province since 1973. Legal service for both programs is provided by the full-time staff of three lawyers and one secretary. Administrative and accounting services are provided by the provincial Justice Department.

The Program is administered by the Director of Legal Aid (a staff lawyer), who reports to the Deputy Minister of Justice.

Objectives:

The objective of funding legal aid in family law is similar to the stated objective of Criminal Legal Aid -- to provide access to the law. In particular, the objective is to enable individuals to exercise and protect their basic rights under family legislation. The Program attempts to make free legal services available to eligible persons to the extent that a reasonable man of modest means would pay his own lawyer if faced with the same legal problem. This is the stated objective of legal aid throughout Canada.

The achievement of that objective is subject to staff and budgetary limitations. The policy of restraint and cutbacks in government programs was already in place when this program was being developed. Consequently, this province has been unable to achieve the level of service provided in provinces where family legal aid was fully established during the period of expansionary growth in social spending in the early to mid 1970's.

Eligibility:

Eligibility is restricted to persons already on social assistance or who would be eligible for such assistance if required to pay the probable cost of representation by private counsel.

Priority for assistance is given to applicants whose legal problem involves dependent children.

Legal aid may be refused in any situation where a reasonable individual of modest means faced with a similar problem would probably not pay from his own pocket to obtain the assistance requested.

Experience, to date, has shown that the greatest restriction is the lack of staff to provide assistance even where financial eligibility is established.

Coverage:

Coverage is limited to matters within the jurisdiction of the Family Division of the Supreme Court. Generally, this involves the Divorce Act, Family Law Reform Act and the Family and Child Services Act. Priority is given to any application under the latter Act because of the potentially serious consequences involved in the outcome of each case.

Involvement of Private Counsel:

Legal Aid staff lawyers may represent only one party in any dispute. The same policy applies to law firms in private practice. In some cases, more than one party seeks legal aid. Initially, the program had a small budget to service those cases by hiring private counsel on a tariff basis. In actual experience, there were relatively few cases in this category. However, during the past fiscal year, the budgets of all government departments were cut back. In the process, the Family Legal Aid budget for retaining private counsel was eliminated. The resulting inability to provide a balance of representation in any case requiring more than one lawyer is viewed as a very serious handicap to achieving the objectives of the Program. Alternative sources for funding to restore this aspect of the legal aid service are being explored.

Legal Aid in Other Provinces:

Before the introduction of Family Legal Aid in this province, a Prince Edward Island resident requiring legal representation in another province would not be eligible for the free assistance available to residents of that province. Under an inter-provincial agreement, residents of Prince Edward Island now have the advantage of obtaining legal aid in any province in Canada, provided similar service would be covered for a non-resident in this province.

The Number of New Files Opened:

There were 241 new files opened in 1982-83. This number includes only those cases where legal action was commenced through

correspondence, negotiation, or court action. The figure does not include telephone and office consultations where advice was given without opening a file. A significant portion of each lawyer's working day is occupied in responding to this type of inquiry.

Family cases tend to be difficult to settle quickly. Most cases take several months to resolve and in some, work proceeds beyond the year in which the file was opened. By nature, the practice of family law differs from other areas of litigation in that the circumstances of the litigants may continue to change and bring about new difficulties. Consequently, the capacity of the Program to take new cases may be less in each successive year.

Family Legal Aid Activity:

	(1981-82)	1982-83
1. Number of files opened:.....	150	241
2. Type of application:		
Matrimonial (Divorce Act and Family Law Reform Act).....	87%	87%
Family & Child Services Act.....	11%	9%
Other.....	2%	4%
3. Regional Distribution of Service:	No. of Files:	
Charlottetown.....	105	150
Summerside.....	45	91
4. Ratio of Male to Female Clients:		
Male.....	15%	13%
Female.....	85%	87%
5. Number of Cases Where Private Counsel Acted Through Legal Aid:.....	9	7
6. Number of Inter-Provincial Requests:		
To other provinces.....	4	10
From other provinces.....	4	11
7. Total Legal Aid Expenditures:		
Criminal & Family April 1, 1982 to March 31, 1983	$152,651.96	$161,700.00

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POOR

QUALITY

ORIGINAL